

PLANNING AND ZONING COMMISSION

MEETING MINUTES

MAY 2, 2013

AGENDA

NEW CASES

- 1. Thomas Kohler PCD, Subarea E – Emerald Town Center**
5665-5685 & 5625-5649 Woerner-Temple Road
13-024AFDP/CU
Amended Final Development Plan/Conditional Use
(Approved 7 – 0 – Minor Development Text Modification)
(Approved 7 – 0 - Amended Final Development Plan)
(Approved 7 – 0 – Conditional Use)
- 2. Midwestern Auto Group PUD – MAG Audi**
13-035AFDP
(Approved 7 – 0)
5875 Venture Drive
Amended Final Development Plan
- 3. Planning Presentation/Training**
(Discussion)

Chair Chris Amorose Groomes called the meeting to order at 6:30 p.m. and led the Pledge of Allegiance. Other Commission members present were Richard Taylor, Amy Kramb, Warren Fishman, John Hardt, Victoria Newell, and Joe Budde. City representatives were Claudia Husak, Steve Langworthy, Gary Gunderman, Jennifer Readler, Peter Husenitza, Joe Benson, David Stanozcek, Jonathan Lee, Jordan Fromm, and Flora Rogers.

Motion and Vote

Mr. Taylor moved to accept the documents into the record as presented. Mr. Fishman seconded the motion. The vote was as follows: Ms. Kramb, yes; Ms. Newell, yes; Mr. Hardt, yes; Mr. Budde, yes; Ms. Amorose Groomes, yes; Mr. Fishman, yes; and Mr. Taylor, yes. (Approved 7 – 0.)

Ms. Amorose Groomes asked if there were any comments or corrections regarding the April 4, 2013 meeting minutes. [There were none.]

Motion and Vote

Mr. Taylor moved to accept the April 4, 2013 meeting minutes as presented. Ms. Newell seconded the motion. The vote was as follows: Ms. Amorose Groomes, yes; Mr. Fishman, abstain; Ms. Kramb, yes; Mr. Hardt, yes; Mr. Budde, abstain; Ms. Newell, yes; and Mr. Taylor, yes. (Approved 5 – 0 – 2.)

Communications

Claudia Husak reported that the Community Plan Update would be included on the May 16th meeting agenda. She said that after the cases are heard tonight the Commission would move to the Council Planning Room for iPad Training at which the public was welcome to attend. Ms. Husak announced that David Rinaldi, an architect was recently appointed as a new Architectural Review Board member. She pointed out that two seats are vacant on the Board, but the three current ARB members were able to review and take action on six applications in April.

Administrative Business

Ms. Amorose Groomes briefly explained the rules and procedures of the Planning and Zoning Commission. She determined that the cases would be heard in the order of the published agenda.

1. Thomas Kohler PCD, Subarea E – Emerald Town Center

5665-5685 & 5625-5649 Woerner-Temple Road 13-024AFDP/CU Amended Final Development Plan/Conditional Use

Ms. Amorose Groomes introduced this application requesting review and approval for outdoor dining patios for two restaurants within the Emerald Town Center shopping center. She said the site is located at the southeast corner of the intersection of Emerald Parkway with Woerner-Temple Road. She said that the Commission will need to make three motions on this application. She said that Commission is the final authority on this application.

Ms. Amorose Groomes swore in those intending to speak in regards to this application, including the applicant, Ed Carey, Carey Emerald LLC (140 E. Town Street, Suite 1150, Columbus, Ohio), and City representatives.

Claudia Husak presented this Amended Final Development Plan/Conditional Use application. She said that the Emerald Town Center shopping center was approved with four buildings and 1,300 square feet of patio space in 2006. She said in 2008, the applicant came before the Commission to reallocate where the patio spaces were going to be installed, and since then changes have taken place that require this renewed application. She said just one of the patios have been installed, and Planning is requesting that the installed 107-square-foot patio be removed as part of this application. Ms. Husak said that the applicant is proposing a 521-square-foot patio for the Ty Ginger Restaurant and a 779-foot patio for the Ashland & Highland Restaurant which is located Building 3 with frontage on Emerald Parkway.

Ms. Husak presented the details for the Ashland & Highland 779-square-foot patio. She said the Commission in 2008 approved a smaller patio in the same location, but it was never constructed because the expected tenant did not move into the building. Ms. Husak said that the current tenant, who recently opened the restaurant, is asking for a larger patio. She said that the proposed larger patio creates an issue with the development text which requires a 50-foot setback from the Emerald Parkway right-of-way for building and a 30-foot setback for pavement. She said since the patio will be enclosed by a fence and be used, Planning would consider that typically, it would have to adhere to the building setback requirements. She said however, there is mounding on Emerald Parkway and the patio at the size that would be permitted is a narrow space, so Planning is supportive of the text modification to allow this patio for Building 3 to encroach a maximum of 10 feet into the building setback along Emerald Parkway. Ms. Husak said the proposed patio amenities are a black wrought iron fence with patio tables, umbrellas, and chairs in a modern style.

Ms. Husak said regarding the proposed Ty Ginger patio at the corner of Emerald Parkway and Woerner-Temple Road, there is a sidewalk along the side of the building that was not required by the Building Code, but the applicant is expanding it with a patio space. Planning has requested that the applicant install a fence around the patio. She said it was not clear in the plans submitted if that had indeed been proposed. She said that patio furniture proposed was in the style of the restaurant with orange sunbrella-type fabric umbrellas.

Ms. Husak said that Planning recommends approval of the Minor Development Text Modification to permit a patio for Building 3 to encroach a maximum of 10 feet into the required building setback along Emerald Parkway.

Ms. Husak said that Planning is also recommending approval of this Amended Final Development Plan with two conditions:

- 1) That the 157 square feet of patio space for Building 1 be restored with lawn; and
- 2} That the shrub row of plantings along the Emerald Parkway elevation of Building 3 which should be replaced as part of the patio installation.

Ms. Husak said that Planning is recommending approval of the Conditional Use with three conditions:

- 1) That both patios restrict operations to end service end at 10:00 pm and both patios close at 11:00 pm or earlier;
- 2) That the proposed patio amenities be stored in a location that is not visible to the public when not in regular use unless the patio furniture is all-weather material, set up for use and not covered in any way, and weather conditions make the use of furniture possible; and
- 3) that the patio proposed for Building 4 be enclosed by the same type of four-foot wrought-iron style fence as the Building 3 patio.

Ed Carey, Emerald LLC, the owner of Emerald Town Center and the Ashland & Highland Restaurant, said that working with Planning had been very pleasurable, factual, and easy. He said the area that is approximately 157 feet that used to be a patio is really a walkway with open space, with a brick space on either side of it. He said he thought the walkway was better in appearance and easier to maintain than grass. He said he hated to spend the money to remove the bricks and put down grass, but he was willing to do that if the Commission wanted him to do it.

Warren Fishman recalled that for previous patios in the past, the Commission has required that all patio furniture in a shopping center be of all the same style, however he said it did not matter either way to him.

Ms. Husak explained that in the instances of the Giant Eagle and Avery Square shopping centers, that it was required when Administrative Approval was allowed for additional patio spaces as part of the development text allowing a certain square footage to be approved administratively, and as part of the language, it included matching or complementary patio amenities. She said in this instance, Planning did not think it was as important because the patios are not facing the same sides of the road and therefore are not going to be visible at the same time.

Amy Kramb asked if the removed shrubs were to be placed on the outside of the fence and if that was okay because they were already encroaching.

Ms. Husak said that the landscaping material would be permitted in that space. She reiterated that they were not required plantings, but Planning felt they would soften the fence.

John Hardt asked what was the rationale for requiring that the existing patio to be removed.

Ms. Husak explained that the applicant had received approval at the Final Development Plan of the 1,300 square foot maximum amount of patio space that is included in their stormwater management plan and parking counts. She said that 157 square feet are not really going to bother Engineering as far as stormwater management is concerned and it does not affect lot coverage. She said her concern was more that it is in addition to the originally approved 1,300 square feet. She said she thought it was a better idea to just remove the patio and take it off the table.

Ms. Amorose Groomes asked if the 1,300 square foot was primarily because of stormwater management.

Ms. Husak said it was parking.

Ms. Amorose Groomes said that they could suggest permeable pavement for the stormwater.

Ms. Husak said it was a small area, and leaving the area in does not necessarily allow the applicant to use it. She said they would always have to come back to the Commission for review and approval to use it. She said it would require two extra parking spaces if they were to use it.

Mr. Hardt said that they were making a minor modification to the zoning and they could modify that. He said he got frustrated by the fact that they are going through a lot of efforts across the whole City to create a walkable pedestrian-friendly place and the Community Plan is full of pictures of people dining al fresco and all the wonderful outdoor activities, but we make it hard for people to add patios. He said to quibble over 157-square-feet was trivial to him.

Ms. Amorose Groomes said that the applicant does not seem to be lacking parking spaces currently and since they would have to come back in order to use them, the Commission would certainly be able to make a judgment call based upon the other auxiliary uses within the center of whether they thought the use of this 157 square foot area would have an impact on the parking.

Mr. Hardt said that he did not think there was any evidence of a parking problem. He said if the Commission could do something to make this space more marketable, he would not have a problem with that.

Mr. Budde said he agreed 100 percent with Mr. Hardt.

Ms. Newell said she had no issues in terms of the paved area remaining. She suggested a condition be added to clearly define that it is not to be interpreted as a patio, and that the applicant would have to come back to the Commission later.

Ms. Husak said if the condition was that they had to come back, it almost implied that it is okay to be used. She said that they have to come back and cannot use it.

Ms. Amorose Groomes said that would be Condition 1 on Motion #2.

Mr. Hardt said that someday the applicant may want to backfill the space with a coffee shop or something else.

Motion #1 and Vote - Minor Development Text Modification

Ms. Kramb moved, and Mr. Hardt seconded, to approve the Minor Development Text modification to permit a patio for Building 3 to encroach a maximum of 10 feet into the required building setback along Emerald Parkway because the required text modification is minor in nature and the surrounding landscape mound will partially screen the patio.

The vote was as follows: Mr. Taylor, yes; Mr. Fishman, yes; Mr. Budde, yes; Ms. Newell, yes; Ms. Amorose Groomes, yes; Mr. Hardt, yes; and Ms. Kramb, yes. (Approved 7 – 0.)

Ms. Amorose Groomes confirmed that there were no public comments or questions with respect to this application.

Motion #2 and Vote - Amended Final Development Plan

Mr. Fishman moved, and Ms. Kramb seconded, to approve this Amended Final Development Plan application because the proposal complies with Code, as modified the amended final development plan criteria and existing development in the area, with one condition:

- 1) That the shrub row of plantings along the Emerald Parkway elevation of Building 3 which should be replaced as part of the patio installation.

Ed Carey, Emerald LLC, agreed to the condition.

The vote was as follows: Mr. Hardt, yes; Ms. Amorose Groomes, yes; Mr. Taylor, yes; Ms. Newell, yes; Mr. Budde, yes; Ms. Kramb, yes; and Mr. Fishman, yes. (Approved 7 – 0.)

Ms. Amorose Groomes requested that in Condition #1 for the Conditional Use, the word 'by' be changed to 'at' to avoid any misinterpretation.

Motion #3 and Vote - Conditional Use

Mr. Hardt moved, and Ms. Newell seconded, to approve this Conditional Use application because it complies with the applicable review criteria, with three conditions:

- 1) That both patios restrict operations to end service end at 10:00 pm and both patios close by 11:00 pm or earlier;
- 2) That the proposed patio amenities be stored in a location that is not visible to the public when not in regular use unless the patio furniture is all-weather material, set up for use and not covered in any way, and weather conditions make the use of furniture possible; and
- 3) That the patio proposed for Building 4 be enclosed by the same type of four-foot wrought-iron style fence as the Building 3 patio.

Ed Carey, Carey Emerald LLC, agreed to the conditions.

The vote was as follows: Ms. Kramb, yes; Mr. Taylor, yes; Ms. Amorose Groomes, yes; Mr. Budde, yes; Mr. Fishman, yes; Ms. Newell, yes; and Mr. Hardt, yes. (Approved 7 – 0)

**2. Midwestern Auto Group PUD – MAG Audi
13-035AFDP**

**5875 Venture Drive
Amended Final Development Plan**

Ms. Amorose Groomes introduced this Amended Final Development Plan application requesting review and approval for a modification to the approved building materials for the service reception area of the approved Audi showroom building for the Midwestern Auto Group dealership campus. She said the site is located on the south side of Venture Drive, north of US33/SR161. She said that Commission is the final authority on this application.

Ms. Amorose Groomes swore in those intending to speak in regards to this application, including the applicant Brad Parish, Architectural Alliance, (165 N. 5th Street, Columbus, Ohio) and City representatives.

Ms. Amorose Groomes confirmed that the Commissioners did not need to hear Claudia Husak present the Planning Report for this previously consented application. She asked if the Commissioners had any questions or comments.

John Hardt said that they only thing that caused him hesitation about the previous building was the fact that the entire campus was made up of a variety of materials and forms and this was a pristine view. He

said he thought this was an improvement because it brings the building more in concert with the rest of the campus. He said he appreciated the applicant's consideration.

Ms. Amorose Groomes confirmed that there were no comments or questions from the public or any additional ones from the Commissioners regarding this application.

Motion and Vote

Mr. Taylor moved, and Mr. Hardt seconded, to approve this Amended Final Development Plan application because the proposal complies with the development text, the amended final development plan criteria, and existing development in the area.

The vote was as follows: Mr. Fishman, yes; Ms. Amorose Groomes, yes; Ms. Newell, yes; Ms. Kramb, yes; Mr. Budde, yes; Mr. Hardt, yes; and Mr. Taylor, yes, (Approved 7 – 0.)

Commission Roundtable

Ms. Amorose Groomes asked the Commissioners who had attended the American Planning Association Annual Conference in Chicago to briefly share their thoughts and experiences.

Mr. Fishman said that he attended a session about Form Based Zoning and learned that Dublin was not the first; that other cities have been using it for years. He said he learned that use does matter. Mr. Fishman said his group was advised to really consider that when they start saying that anything that is wanted can be done inside, just so it looks this way.

Mr. Fishman said he also learned from two sessions about the Chicago Fire. He said after the fire, the code was changed dramatically, and one of the things done was masonry exteriors, even in residential. He said the pre-fire buildings that were frame outside, were demolished because they were not worth rehabbing it. Mr. Fishman said he learned that in 100 years, neighborhoods go through four cycles, and those that survive are now pristine, expensive neighborhoods with old brick and stone architecture. Mr. Fishman said that reusing it was also much less expensive to do that instead of tearing neighborhoods down. He said he thought that reinforced his thoughts about wanting brick materials used in Dublin architecture.

Mr. Fishman summarized that he learned that in form based codes, uses were important and that quality materials show good planning because they are not just for us now, but also for a hundred years from now.

Mr. Budde said he was on the same bus tour that Mr. Fishman was on he heard 'gentrification' or 'regentrification' discussed, but he did not understand exactly what the terms meant. He said they were talking about neighborhoods making transitions.

Mr. Budde said that he also took a boat trip and got to see the architecture and the development along the river. He recalled a discussion about some of their subsidized housing and low income housing that was recently built that maybe six or seven years old and about at the end of its useful life in that it was ready to be scraped and torn down. He said it sounded like a crime because he was sure it was federal money and they did the minimum standards required to do the project.

Mr. Budde said the best session he attended was called 'Elements of Great Neighborhoods.' He said it talked about what was really a neighborhood, and that it was more than a real estate development or a dot or area on a map, and that many times neighborhoods are accidents and are a result of location, history, and people. He said that they offer a multitude of choices with the public realm, adaptability, change, and things that happen with a variety of housing, goods and services available, working places, streets, walking places, public spaces, and quirky stuff. Mr. Budde said he thought the Conference was

very interesting and he was glad he was able to go and he appreciated the City affording him the opportunity.

Mr. Fishman agreed with Mr. Budde.

Mr. Hardt said although the sessions he attended were very good, he had some unique experiences. He said it was interesting to see a related discipline from what he might do not on the Commission, but in his daily work. He said the most interesting things he experienced were outside the sessions. He said there were a couple of things that he took away that he thought were really germane to what the Commission has been working on for the last couple of years. He said one had to do with Chicago's Burnham Plan which is the master plan laid out for the city more than 100 years ago. He said it was remarkable to him to see Chicago, his hometown, even today it is still sticking to that plan religiously and the fruits of that effort that they are beginning to see. He said that he took a trip to a peninsula of land that used to be an airport off the Chicago shore, and it was now being turned into a wildlife refuge. He said as a child he would have never envisioned a wildlife refuge in downtown Chicago, but it was on its way to being fantastic. He reminded him that having that big plan that Mr. Taylor has championed in many cases with big ideas and goals, and sticking to it through thick and thin can really reap wonderful rewards. He said that he hoped that our city going forward can do the same with our Bridge Street Corridor and the other things we are working on doing.

Mr. Hardt said that the other take-away that he thought was interesting was that Ms. Amorose Groomes and he had a chance to tour Chicago's Millennium Park. He said it was a wonderful tour in the sense that the people who conducted the tour were actually involved in the development of the design of the park for 15 years. He said it was interesting to him that the realization and the insistence on the part of the tour guides that it could not have happened without the private sector involvement. He said there were details about the park that the public sector would/could have ever undertaken. He said it was the private donations that really allowed the park to even happen, let alone happen in a good way. He said it was a lesson for us that some of these more grand ideas and schemes take a partnership. He said an example was the 'cloud gate' structure.

Mr. Hardt said on the last day, on the way to the airport, Ms. Amorose Groomes and he had the opportunity to take a tour to his hometown, the suburb of Arlington Heights. He said it was a community that had an absolute dead downtown in the 1970s with empty shops and streets. He said that it managed to revitalize itself much in the same way that we are talking about for the Bridge Street Corridor, and actually did so without a plan. He said it was interesting to see 20 years after he left, what had come to be there. He said it was not perfect or the greatest thing in the world, but multi-story buildings with mixed uses, residential and public commercial mostly masonry, all centered on public transport. He said he was reminded when walking around looking at all that, that it really was a different kind of government than Dublin has, but a body not unlike this or City Council that had the 'guts' to say yes to the first controversial project to get it moving. He said sometimes, like the things we are talking about in Dublin, it is just the first thing that is the hardest because it is taller, bigger, or different from what we are used to seeing. He said those are the kind of catalysts that it takes to bring change. He said he was thankful to have the opportunity to go.

Ms. Amorose Groomes said the most profound time she had in Chicago was in Millennium Park where the guide who was in direct report to Mr. Daley who built the park by setting up a non-profit organization to build the park. She said she was struck by the enormous effort, time and money it took for this project to become reality and felt very strongly that Dublin should not be taken back by the difficulties that making the Bridge Street District a reality, especially the Riverfront Park.

Ms. Amorose Groomes said she was struck not only by Millennium Park, but how the uses and speaker systems in the parking were well thought out before construction began, so when the theater went in, it

was all planned and there. She said that was one thing that Dublin has not done. She said she had not heard talk about what we want to do on the Riverfront Park. She said that they have talked about an active and passive side, but asked what sort of active and passive. Ms. Amorose Groomes said she thought those were the type of questions that needed to be answered before we would get too far of putting shovels in the ground.

Mr. Hardt said that there continues to be a non-profit with a full time staff that programs the activities in the Millennium Park which is remarkable.

Ms. Amorose Groomes said that she thought the Conference keynote speaker was very interesting. She said one of his statements was that a lower cost of doing business does not make a place attractive alone; it also is the sense of place. She said she thought we have gone to great strides to make it more efficient, easier, and less expensive for people to do development in certain areas of our City, but that is not really what makes doing business there successful. She said it was the sense of place and the sense of community that also drive success of those. Ms. Amorose Groomes said she thought we need to look and hard about making it an easy, expeditious, and inexpensive process to go through, and at the same time focus hard on being a sense of place and kind of community that businesses would want to call home. She said that those two things have to work in harmony with one another.

Ms. Amorose Groomes said she made a poor decision and attended a session called 'Downtown Pedestrian Systems', described in the brochure as "Examine a downtown pedestrian system in several major North American cities, and learn how they promote activity and spur economic growth." She said the seminar was about tunnels, both above the ground and beneath the ground and how they are operating. She said there were people from Houston, Minneapolis, and somewhere in Canada, which were places where you would not want to be outside during certain times of the year. She said they had figured out a way to become ants and travel from place to place in these subterranean tunnels and not ever go outside. She said she thought that went against everything that we are trying to do. She mentioned how sometimes the description and the topic do not really fit well. She said that she too, was thankful for the opportunity to go.

Mr. Fishman thanked City Council for giving him the opportunity to go to the Conference.

Ms. Husak said that the Planning staff felt the same way, having the opportunity to go and see fellow planners come together and be one. She said she came back rejuvenated. Ms. Husak said that this year, the sessions were very full, which was good to see, and many people had to sit on the floor.

Ms. Amorose Groomes said that Chicago was a good place for the Conference, but the facility was not a great choice.

Ms. Husak said at one of the street sessions she attended she heard about people with businesses using sidewalks, patios, and parking spaces and creating a 'parklet.' She said a parking space is used to make a patio or a garden with benches or other amenities. She said that San Francisco has regulated it to some extent by issuing permits good for one or two years. Ms. Husak said that they do not want them to be permanent.

Ms. Husak said that she also attended the street session, 'Can Kids Live Downtown?' where they asked questions about who lived in a house, apartment, and who took public transportation to school. She said that as less people raised their hands, she was one of the few left, as she did not grow up in America. She said that was an experience she had as a child that her children would not likely have.

Mr. Taylor shared a recent experience with the City of Columbus Historic Resources Commission, which is in many ways exactly the opposite of what we are here. He said that they do not send the staff or the Commission out to the site before the project is presented. He said when it is presented; all the

Commission has is the materials submitted. Mr. Taylor said the application he heard was extremely minor, it was changing a window in a historic home. He said they had an hour discussion about it. Mr. Taylor said in the end, there was no decision, and the Commission agreed that they should send a staff member out to look at it. He said he had a contract waiting and they were ready to go. He said that particular Commission was completely inflexible and unable to see a way to accommodate the temporary use in an old house. Mr. Taylor said that he immediately thought of the way that this Commission operates. He said the Commission is a very flexible group who considers many options and change their minds a lot right at the meeting, and the Planning staff always makes sure that they are fully informed on the projects before they are presented to the Commission. He thanked the staff for that.

Ms. Husak informed the Commission that a Bridge Street Corridor application would be on the May 16th meeting agenda. She said it would be the very first basic plan that would come before the Commission, and it is for an apartment complex in Dublin Village Center being proposed by Edwards. She said that the Commissioners would receive materials that the applicant has submitted to the Administrative Review Team (ART) and a recommendation from them. She said the ART report was online and had been emailed. She said it would look a little different from what the Commissioners were used to seeing, but this was the first big project that they have been dealt in this area.

Ms. Amorose Groomes at 7:27 p.m. invited those interested from the public to join the Commissioners in the Council Planning Room for a discussion regarding the use of the City-issued technology and associated software to review meeting materials electronically.

3. Planning Presentation/Training

Peter Husenitza introduced himself to the Commissioners and explained the benefits of moving toward electronic review of meeting materials in terms of paper and ink savings as well as staff time. Mr. Husenitza thanked the Commissioners for their availability and willingness to test different approaches to the electronic packet materials project.

Ms. Amorose Groomes requested Mr. Husenitza stay throughout the discussion tonight.

Ms. Husak presented an over view of the topics they would like to cover as part of the discussion tonight.

Ms. Readler reviewed the importance of record retention and the City's legal obligations. She also explained what constitutes a public record and reiterated with the Commissioners that personal notes whether electronic or written on paper plans are not subject to public records searches. She advised the Commissioners to rely on their City email address to conduct City business, not share their personal notes regarding cases amongst each other and forward any emails received on their personal accounts to Planning if they pertain to a case.

The Commission expressed concerns about privacy and Joe Benson explained that the Airwatch program will be removed from the Commissioners iPads and it will resolve the lockdown issues the Commission has experienced. Mr. Benson also explained that it is not nor was it the intention of IT to monitor the Commission's use of the iPads but rather ensure each Commissioner has a consistent experience when using their iPads and IT has an opportunity to recover a device if lost or stolen.

The Commissioners requested staff to further review options that would make accessing packet materials on iPads easier to navigate.

Ms. Amorose Groomes adjourned the meeting at 8.25 p.m.

As approved by the Planning and Zoning Commission on May 16, 2013.